

Filing A Vicious Dog Petition

It's a fact that dogs can bite - any dog at any time. MCACC has many educational materials explaining how to prevent dog bites. If you do get bit by a dog, MCACC has explained how to report a dog bite. What if you feel the dog is vicious? What are your rights? How can you solve the problem? Hopefully, this section will help you out. First, you will learn some definitions and then learn how to file a petition and what may happen in court.

Definitions

1. Vicious Animal - any animal other than an animal used by a law enforcement agency, that
 - a. Has a propensity to bite, scratch or otherwise inflict injury on a human being without provocation. One incident of causing injury may be sufficient to establish a propensity; or
 - b. Has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement or install fear in a reasonable person; and
 - c. Is declared vicious after a hearing before a justice of the peace or a City magistrate.
2. Civil Hearing - A non-criminal process
3. Court Order - A warrant issued by the court holding jurisdiction over the civil complaint
4. Appeal - The transfer of a case from a lower to higher court for a new hearing or a request for a new hearing
5. Propensity - An inclination to do something; a natural inclination; a disposition to behave in a certain way

Filing a Vicious Dog Claim

The filing of a vicious dog claim is a civil procedure and is designed so that both parties involved can present their cases before a judge or magistrate. The filing should occur in the jurisdiction where the dog owner lives, not where the incident occurred, if it is different. See the list at the bottom of the page.

Anyone with direct or indirect knowledge can file a petition with the courts to have a dog declared vicious. Remember, in order to file a claim, the dog has show the propensity to cause injury to a human without provocation. A claim will not be accepted if the dog caused or tried to cause injury or death to another animal.

Before filing the petition, make sure all the needed information (information to help substantiate the case) has been collected:

- Dog owner's information, name and address
- Dog's information such as breed, sex, color(s), name and identifying marks
- Address where dog is kept
- Any prior history of the dogs actions
- Witness names and phone numbers

Advise the court clerk you would like to file a "vicious dog petition" and fill out the forms completely. If necessary, the complainant can ask the court to have the dog picked up prior to the hearing. A hearing date and time will be set and there may be a court fee.

The Court Hearing

After the court hearing, where all parties and witnesses will be heard, the court will make a decision. There are several options under the "Disposition of vicious animals" available to the judge under the state, county or city codes. The court could order, but is not limited to any of the following:

- That the owner of the vicious animal display in prominent place on the premises where the animal is kept a sign in three-inch letters, easily readable by the public, using the words "Vicious Animal."
- That the owner obtain public liability insurance in a single incident amount of at least \$100,000 for bodily injury or death of any person or for damage to property caused by the vicious animal.
- That the animal be destroyed.
- That the animal at all times be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled.
- That the animal be spayed or neutered
- That the animal be defanged or declawed.

Any party can ask for dispositions that don't appear on the court paperwork. They can ask for the dog to be micro-chipped; be vaccinated and licensed at all times; kept in a secure kennel with a secure top.

Any party can also file an appeal to the decision made by the court.

To view the Arizona Revised Statutes 11-1020 an 11-1025, visit:

<http://www.azdhs.gov/phs/oids/vector/pdf/statutes.pdf>

Following are the web sites to the local cities you need to file the claim:

Avondale	www.ci.avondale.az.us
Buckeye	www.buckeyeaz.gov
Chandler	www.chandleraz.gov
Gilbert	www.ci.gilbert.az.us
Glendale	www.glendaleaz.com
Mesa	www.cityofmesa.org
Peoria	www.peoriaaz.gov
Phoenix	www.phoenix.gov
Queen Creek	www.queencreek.org
Scottsdale	www.scottsdaleaz.gov
Surprise	www.surpriseaz.com
Tempe	www.tempe.gov
Wickenburg	www.ci.wickenburg.az.us